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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 CHARLES R.P. URLACHER,  
11 Plaintiff,

12 v.

13 PATRISHA LASHAWAY,  
14 KEVIN QUIGLEY, et al.,  
15 Defendants.

CASE NO. 3:16-cv-5912-RJB-JRC

REPORT AND RECOMMENDATION

NOTED FOR: February 27, 2018

16 Before the Court is plaintiff's Notice of Stipulated Dismissal of Amended  
17 Complaint. Dkt. 47. The undersigned recommends that the Court adopt the Stipulated  
18 Notice and that the amended complaint (Dkt. 5) be dismissed without prejudice.

19 **BACKGROUND**

20 On May 4, 2017, the Court recommended that defendants' Motion to Dismiss be  
21 granted-in-part and denied-in-part as plaintiff had successfully stated a Fourteenth  
22 Amendment substantive due process claim. *See* Dkt. 39. The Honorable Robert J. Bryan,  
23 adopted the Report and Recommendation on June 14, 2017. Dkt. 42. On September 25,  
24

1 2017, defendants filed their answer. Dkt. 43. On February 16, 2018, plaintiff filed a  
2 Notice of Stipulated Dismissal of Amended Complaint. Dkt. 47.

### 3 **DISCUSSION**

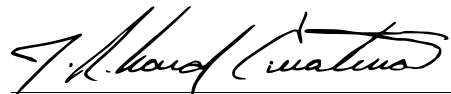
4 Rule 41 of the Federal Rules of Civil Procedure sets forth the circumstances under  
5 which an action may be dismissed. Under Rule 41(a)(1)(A), an action may be dismissed  
6 by the plaintiff without order of court “by filing a stipulation of dismissal signed by all  
7 parties who have appeared in the action.” Fed. R. Civ. P. 41(a)(1)(A)(ii). Plaintiff has  
8 filed a stipulation of dismissal signed by defendants’ attorney. *See* Dkt. 47.

9 Rule 41(a)(2) provides, in part, that: “[e]xcept as provided in Rule 41(a)(1), an  
10 action may be dismissed at the plaintiff’s request only by court order, on terms that the  
11 court considers proper.” Fed. R. Civ. P. 41(a)(2).

### 12 **CONCLUSION**

13 Given the facts and the parties’ stipulation, the Court recommends that the District  
14 Judge immediately approve this Report and Recommendation, adopt the Notice of  
15 Stipulated Dismissal, and issue an Order dismissing this action (Amended Complaint,  
16 Dkt. 5) without prejudice. *See also* Notice of Stipulated Dismissal Dkt. 47.

17 Dated this 27th day of February, 2018.

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21 J. Richard Creatura  
22 United States Magistrate Judge  
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